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| APPLICATION NO.       | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------|-------------|----------------------|---------------------|------------------|
| 10/583,972            | 06/22/2006  | Matthias Schall      | 016906-0516         | 1486             |
| 22428                 | 7590        | 07/21/2009           | EXAMINER            |                  |
| FOLEY AND LARDNER LLP |             |                      | RUBY, TRAVIS C      |                  |
| SUITE 500             |             |                      |                     |                  |
| 3000 K STREET NW      |             |                      | ART UNIT            | PAPER NUMBER     |
| WASHINGTON, DC 20007  |             |                      | 3744                |                  |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/583,972             | SCHALL, MATTHIAS    |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | TRAVIS RUBY            | 3744                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 June 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 22 June 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/22/2006</u> .                                               | 6) <input type="checkbox"/> Other: _____ .                        |

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the various flaps (flag, butterfly, louver-type, rolling-belt) as claimed in Claims 4-7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. Claim 1 is objected to because of the following informalities: Claim 1 recites the limitation "the individual zones" in line 3. This should be rephrased as --the zones-- since so specific individual zones were defined.
4. Claim 10 is objected to because of the following informalities: Claim 10 recites the limitation "the flow" in line 3. There is insufficient antecedent basis for this limitation in the claim. "The flow" should be changed to --a flow--. Appropriate correction is required.
5. Claim 12 is objected to because of the following informalities: Claim 12 recites the limitation "the defrost mode" in line 3. There is insufficient antecedent basis for this limitation in the claim, "the" should be changed to --a--. Appropriate correction is required.
6. Claim 15 recites the limitation "the defrost mode" in line 2. There is insufficient antecedent basis for this limitation in the claim, "the" should be changed to --a--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. Claims 1, 4-7, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. Claim 1 recites the limitation "the individual zones" in line 3. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 4 recites the limitation "the air-flow control element" in line 2-3. There is insufficient antecedent basis for this limitation in the claim. Also, it is unclear as to how it relates to previously recited air flow compensation device of claim 1.

11. Claim 5 recites the limitation "the air-flow control element" in line 2-3. There is insufficient antecedent basis for this limitation in the claim. Also, it is unclear as to how it relates to previously recited air flow compensation device of claim 1.

12. Claim 6 recites the limitation "the air-flow control element" in line 2-3. There is insufficient antecedent basis for this limitation in the claim. Also, it is unclear as to how it relates to previously recited air flow compensation device of claim 1.

13. Claim 7 recites the limitation "the air-flow control element" in line 2-3. There is insufficient antecedent basis for this limitation in the claim. Also, it is unclear as to how it relates to previously recited air flow compensation device of claim 1.

14. Claim 10 recites the limitation "the flow surface" in line 3 and 6. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 10 recites the limitation "a flow surface" in line 4 which is confusing as it is unclear which particular one of the flow surfaces recited above that the applicant is referring to.

***Claim Rejections - 35 USC § 102***

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claims 1-4 and 8-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Doi (US5181553, as cited by applicant).

Doi teaches:

**Re Claim 1.** An air conditioning system for a motor vehicle (Column 4 lines 14-19), with a plurality of zones (ref 48 and 50, Figure 1)(Column 5 lines 9-20), wherein an air-flow compensation device (ref 72) is provided between at least two of the individual zones (Column 6 lines 16-29, Figure 1).

**Re Claim 2.** The air conditioning system for a motor vehicle as claimed in claim 1, wherein the air-flow compensation device is formed by at least one air-flow control element (ref 72) which can open and close at least one region of a partition between two zones (Column 6 lines 16-29).

**Re Claim 3.** The air conditioning system for a motor vehicle as claimed in claim 1, wherein the air-flow control element is designed in the form of a flap (Column 6 lines 20-23, Figure 3 illustrates that the element is a flap).

**Re Claim 4.** The air conditioning system for a motor vehicle as claimed in claim 1, wherein the air-flow control element is formed from one or more flaps of the flag type (Column 6 lines 20-23, Figure 3 illustrates that the element is a flag flap).

**Re Claim 8.** The air conditioning system for a motor vehicle as claimed in claim 1, wherein the air-flow compensation device is formed by at least one bypass (ref 70) which is provided between two zones (Column 6 lines 16-29).

**Re Claim 9.** The air conditioning system for a motor vehicle as claimed in claim 1, wherein the air-flow compensation device can be regulated (Column 7 lines 24-33, Figures 2&4).

**Re Claim 10.** The air conditioning system for a motor vehicle as claimed in claim 1, wherein the air-flow compensation device makes provision for the flow surfaces through which the flow can pass in individual operating states to be able to be changed, with a flow surface assigned to the rear region of the motor vehicle being added, if the need arises, with the aid of the air-flow compensation device to the flow surface assigned in normal operation to the front region of the motor vehicle (Column 5 line 10- Column 6 line 40).

**Re Claim 11.** The air conditioning system for a motor vehicle as claimed in claim 1, wherein the air-flow compensation device is arranged between mixing spaces or air ducts for the front region and the rear region (Column 6 lines 16-29).

**Re Claim 12.** The air conditioning system for a motor vehicle as claimed in claim 1, wherein an air-flow compensation by means of the air-flow compensation device is provided in the defrost mode (Column 19 lines 20-30).

**Re Claim 13.** The air conditioning system for a motor vehicle as claimed in claim 1, wherein the air conditioning system comprises at least one of the following components: heat exchanger, heating element (ref 52), evaporator (ref 44), filter, temperature mixing flap, mixing chamber, one or more flow ducts and one or more control flaps for distributing the air to the outlet ducts (Column 5 lines 9-20, Figure 1).

**Re Claim 14.** A method for regulating a multi-zone air conditioning system for a motor vehicle (Column 4 lines 14-19), wherein an air-flow compensation between at least two zones takes place in at least one operating state (Column 6 lines 16-29, Column 19 lines 20-30, Figure 21).

**Re Claim 15.** The method as claimed in claim 14, wherein the air-flow compensation takes place in the defrost mode (Column 19 lines 20-30).

#### *Claim Rejections - 35 USC § 103*

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doi (US5181553, as cited by applicant) in view of Philippe (FR2839281, as cited by applicant).

**Re Claim 5.** Doi fails to teach that the air-flow control element is formed from one or more flaps of the butterfly type.

Phillippe teaches that the air-flow control element is formed from one or more flaps of the butterfly type (Page 22 lines 6-21, Figures 1 and 39-45).

In view of Phillippe's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to include a butterfly flap since it allows for more precise control of the air movement.

**Re Claim 6.** Doi fails to teach that the air-flow control element is formed from one or more louver-type flaps.

Phillippe teaches that the air-flow control element is formed from one or more louver-type flaps (Page 22 lines 6-21, Figures 1 and 39-45).

In view of Phillippe's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to include a louver flap since it allows for more precise control of the air movement.

**Re Claim 7.** Doi fails to teach that the air-flow control element is formed from one or more rolling-belt cassettes.

Phillippe teaches that the air-flow control element is formed from one or more rolling-belt cassettes (Page 22 lines 6-21, Figures 1 and 39-45).

In view of Phillippe's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to include a rolling-belt cassette flap since it allows for more precise control of the air movement.

***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nissimoff et al (US5188561) teaches a variety of air conditioning flaps.
21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRAVIS RUBY whose telephone number is (571)270-5760. The examiner can normally be reached on Monday-Thursday 7:30-5:00, Friday 7:30-4:00 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on 571-272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Travis Ruby/  
Examiner, Art Unit 3744

/Cheryl J. Tyler/  
Supervisory Patent Examiner, Art Unit  
3744